

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated October 31, 2006. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 1, 4, 9-11, and 13-15 stand for consideration in this application, wherein claims 5, 8, 12, and 16-18 are being canceled and claims 2, 3, and 6-7 was canceled without prejudice or disclaimer, while claims 1, 4, 9-11, 13 and 15 are being amended to correct formal errors and to more particularly point out and distinctly claim the subject invention.

All amendments to the application are fully supported therein. Particularly, support for amendments on claims 1, 4, 9, 11, 13, and 15 may be found in Fig. 9, page 12, lines 19-22, page 17, line 12 – page 21, line 6, and page 23, lines 17-25 of the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Formal Rejections

Claims 5 and 8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As mentioned above, claims 5 and 8 are being canceled, and therefore, these rejections are moot. Accordingly, withdrawal of these rejections is respectfully requested.

Prior Art Rejections

The First 35 U.S.C. §103(a) rejection

Claims 1, 4-5, 8, 13 and 15-17 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Stiffler et al. (U.S. Pat. 6,622,263) in view of Pittelkow et al. (U.S. Pat. 7,003,688). As mentioned above, claims 5, 8 and 16-17 are being cancelled, and therefore the rejections of claims 5 and 8 are moot. The rejection of claims 1, 4, 13 and 15 is respectfully traversed for the reasons set forth below.

According to the Manual of Patent Examining Procedure (M.P.E.P. §2143),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both not be found in the prior art, not in the applicant's disclosure.

Claim 1

Claim 1 as amended recites that in response to detection of occurrence of an error in said virtual machine, said virtual machine is deactivated, then, connection to said I/O device is switched to a standby virtual machine, said standby virtual machine is set as an active virtual machine, and said deactivated virtual machine is repaired and set as a standby virtual machine. In other words, after the virtual machine in which an error is detected is deactivated, the system is recovered by switching the I/O device to a standby virtual machine and the deactivated virtual machine is repaired.

In contrast, Stiffler shows that after the system is recovered by switching the control of I/O device to the secondary computer, the failed computer is taken off-line and repaired (col. 10, lines 39-49). The process of deactivating the failed machine and recovering the system shown in Stiffler is completely different from that recited in claim 1. Stiffler does not show or suggest either explicitly or implicitly that after the failed computer is taken off-line or deactivated, the system is recovered by switching the control of I/O device to the secondary computer.

The secondary reference of Pittelkow merely shows that in the event the controller detects a failure of one of the interfaces, the resources manager determines what targets were owned by the failed interface and then reassigns those targets to one of the remaining interfaces. Pittelkow fails to provide any disclosure, teaching or suggestion that make up for the deficiencies in Stiffler.

Accordingly, claim 1 is not obvious in view of all the prior art recited.

Claim 13

Claim 13 has the substantially same features as those of claim 1, at least with respect to in response to detection of occurrence of an error in said virtual machine, said virtual machine is deactivated, then, connection to said I/O device is switched to a standby virtual machine, said standby virtual machine is set as an active virtual machine, and said deactivated virtual machine is repaired and set as a standby virtual machine. As such, the arguments set forth above are equally applicable here. Claim 1 being allowable, claim 13 must also be allowable.

Claims 4, 15

As to dependent claims 4 and 15, the arguments set forth above with respect to independent claim 1 are equally applicable here. The corresponding base claim being allowable, claims 4 and 15 must also be allowable.

The Second 35 U.S.C. §103(a) rejection

Claims 9-12 and 18 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Stiffler in view of “Computer Input/Output.” As mentioned above, claims 12 and 18 are being cancelled, and therefore the rejections of claims 12 and 18 are moot. The rejection of claims 9-11 is respectfully traversed for the reasons set forth below.

Claim 9

Claim 9 has the substantially same features as those of claim 1, at least with respect to in response to detection of occurrence of an error in said virtual machine, said virtual machine is deactivated, then, connection to said I/O device is switched to a standby virtual machine, said standby virtual machine is set as an active virtual machine, and said deactivated virtual machine is repaired and set as a standby virtual machine. As such, the arguments set forth above are equally applicable here.

The secondary reference of “Computer Input/Output” fails to provide any disclosure, teaching or suggestion that make up for the deficiencies in Stiffler.

Accordingly, claim 9 is not obvious in view of all the prior art recited.

Claims 10-11

As to dependent claims 10-11, the arguments set forth above with respect to independent claim 9 are equally applicable here. The corresponding base claim being allowable, claims 10-11 must also be allowable.

The Third 35 U.S.C. §103(a) rejection

Claim 14 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Stiffler and Pittelkow in view of “Computer Input/Output.” This rejection is respectfully traversed for the reasons set forth below.

Claim 14 has the substantially same features as those of claim 1, at least with respect to in response to detection of occurrence of an error in said virtual machine, said virtual machine is deactivated, then, connection to said I/O device is switched to a standby virtual machine, said standby virtual machine is set as an active virtual machine, and said deactivated virtual machine is repaired and set as a standby virtual machine. As such, the arguments set forth above are equally applicable here.

Also, as set forth above, the secondary reference of Pittelkow and “Computer Input/Output” fails to provide any disclosure, teaching or suggestion that make up for the deficiencies in Stiffler.

Accordingly, claim 14 is not obvious in view of all the prior art recited.

Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344

Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200

February 28, 2007
SPF/JCM/YOM